IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 470 OF 2007

Harish Chawla ..Petitioner

Vs.

State of Maharashtra and anr. ..Respondents

Mr. Tripurari Ray with Mr.Atul Wadera, Mr. R.S. Massey Verma, U.N. Tripathi and Rahul Nerlekar for petitioner.
Mr. Y.M. Nakhawa, APP for State.
Mr. Satish Maneshinde for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : July 18, 2007.

P.C.:

. The petitioner is aggrieved by the order of process issued by the learned Magistrate in Criminal Case No.143/SW/2006 for the offences punishable under Sections 406 and 409 of IPC read with Section 630 of the Companies Act, 1956.

. This court has taken a consistent view and in this regard I may refer to the decision of this court in the case of V.K. Jain and ors. vs. Pratap V.

Padode and anr. **[2005 (3) Mh.L.J. 778]** that the challenge to the order of process can be more efficaciously taken up by filing a revision application under Section 397 of Cr.P.C. before the Sessions Court and when such an alternative remedy is available, this Criminal Writ Petition invoking the powers under Section 482 of Cr.P.C. need not be entertained at this stage.

. Hence, the petition is disposed as withdrawn with liberty to approach the Sessions Court. If a Criminal Revision Application is filed within a period of two weeks by the petitioner, the period of pendency of this petition i.e. from 9/3/2007 till today, shall be taken into consideration for condonation of delay, if any. Ad-interim order granted earlier will continue for two weeks more from today.

(B.H. Marlapalle,J.)